

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**CHIEF HEARING OFFICER DIRECTIVE**

**DOCKET NO. 2021-349-E    ORDER NO. 2021-147-H**

**NOVEMBER 30, 2021**

**CHIEF HEARING OFFICER: David Butler**

**DOCKET DESCRIPTION:**

**Joint Petition of Duke Energy Carolinas, LLC and Duke Energy Progress, LLC to Request the Commission to Hold a Joint Hearing with the North Carolina Utilities Commission to Develop Carbon Plan**

**MATTER UNDER CONSIDERATION:**

**Petition to Intervene of the Electric Cooperatives of South Carolina, Inc. and Central Electric Power Cooperative, Inc.**

**CHIEF HEARING OFFICER'S ACTION:**

**This matter comes before the Chief Hearing Officer on the Petition to Intervene of the Electric Cooperatives of South Carolina, Inc. ("ECSC") and Central Electric Power Cooperative, Inc. ("CEPC") (together, "the Petitioners").**

**Under Commission regulation, the Commission must determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that parties filing a Petition to Intervene in a matter pending before the South Carolina Public Service Commission must set forth clearly and concisely:**

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;**
- (b) The grounds of the proposed intervention;**
- (c) The position of the petitioner in the proceeding.**

**ECSC is the state-wide service and trade association for electric cooperatives in South Carolina. Its members are eighteen of the twenty consumer-owned electric cooperatives, one wholesale power supply cooperative, one transmission service cooperative, and one materials supply cooperative. ECSC serves as a legal and regulatory representative of its member electric cooperatives. Together, ECSC's members operate the largest electric distribution system in the state. More than 1.5 million South Carolinians in all forty-six counties use electricity from electric cooperatives. CEPC is engaged in the purchase, transmission, and sale of electric power to twenty electric distribution cooperatives throughout South Carolina. Central's distribution cooperative members provide electric power to over 700,000 homes, businesses, and industrial members throughout all forty-six South Carolina counties and a small portion of North Carolina.**

**CEPC provides wholesale power to its member-cooperatives primarily through a portfolio of contracts. The two primary contracts are with the South Carolina Public Service Authority, the state-owned utility known as Santee Cooper, and DEC. The contract with DEC is referred to as the Duke Power Purchase Agreement (“PPA”). The PPA is an all-requirements contract for member-cooperative load in DEC’s balancing authority area. An all-requirements contract requires the provider to supply the purchaser with all the purchaser’s energy needs up to the level of reliability specified in the agreement. DEC provides approximately 22% of the electricity supplied by Central to its member cooperatives.**

**The Commission opened this proceeding on the petition of Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (collectively, “Duke Energy” or the “Companies”), to hold a joint proceeding with the North Carolina Utilities Commission (the “NCUC”) to develop the Carbon Plan required by N.C. Gen. Stat. §§ 62-2, 62-30, Part I of Session Law 2021-165 (“HB 951”).**

**Petitioners anticipate that this proceeding will address a variety of issues directly related to their core business, including, but not limited to, wholesale and retail rates throughout the region, the availability, and pricing of future wholesale power purchases.**

**Considering the above, the Petitioners believe that they have standing to intervene in the proceeding and represent the interests of their members. Petitioners and their member cooperatives have a direct and material interest in the issues to be addressed and resolved by the Commission, and their interests cannot be represented by any other party; furthermore, Petitioners assert that their involvement in these proceedings will promote the public interest by furthering the development of consistent distributed generation policies among the state’s electricity providers.**

**Pursuant to these facts, this Hearing Officer holds that the Petitioners have successfully satisfied the criteria for intervention stated in the Commission Regulation. Their interest in this matter can clearly be discerned, as can the grounds for the intervention, and their position. There are no objections to the intervention. Accordingly, the Petition to Intervene of ECSC and CEPC is hereby granted in this Docket. This ends the Chief Hearing Officer’s Directive.**